

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 2755
)	
Plaintiff,)	JUDGE WELLS
)	
v.)	<u>COMPREHENSIVE DEPOSITION</u>
)	<u>DESIGNATION INFORMATION FOR G.</u>
SAP AMERICA, INC., et al.)	<u>ASHLEY</u>
)	
Defendants.)	
)	

INTRODUCTION

The tables below and the attached color-coded transcript identify all outstanding objections of SAP America, Inc. and SAP AG (collectively, “SAP”) to the designated deposition testimony of Geoff Ashley.

The transcript that accompanies this document is color-coded as follows:

- **Yellow** = Testimony designated by Hodell;
- **Blue** = Testimony counter-designated by SAP; and
- **Green** = Testimony designated by both Hodell and SAP;

I. SAP'S OBJECTIONS TO HODELL'S DEPOSITION DESIGNATIONS OF TRIAL TESTIMONY OF GEOFF ASHLEY

Testimony Designated by Hodell	SAP's Objections to Hodell's Designated Testimony
4:1-5	<ul style="list-style-type: none"> • No objection
15:13-18:5	<ul style="list-style-type: none"> • SAP objects to 15:13-16:17; lack of relevance (Rule 402); also, attorney-client privileged information • No objection to 16:18-18:5
19:14-21:8	<ul style="list-style-type: none"> • No objection to 19:14-20:22; • SAP objects to 20:23-21:4; lack of relevance (Rule 402); also attorney-client privileged information • No objection to 21:5-8
21:15-24:22	<ul style="list-style-type: none"> • Lack of foundation and lack of personal knowledge (Rule 602) as witness was not involved in the Hodell sales process (which he explains at pages 9-12; 96, 108, 239-40) • Also lack of relevance (Rule 402) as witness explains he was referring to the fact that B1 in general may not have thrived as IBIS/LSi hoped and witness makes no connection to Hodell • Also there is a danger of confusion and unfair prejudice and misleading the jury (Rule 403) as witness is not referring to the Hodell deal, and in any event, the witness should not be testifying as a supplemental juror giving his opinion on Mr. Krauss
25:17-27:6	<ul style="list-style-type: none"> • Lack of foundation and lack of personal knowledge (Rule 602) as witness was not involved in the Hodell sales process (which he explains at pages 9-12; 96, 108, 239-40) • Also lack of relevance (Rule 402) as witness explains he was referring to the fact that B1 in general may not have thrived as IBIS/LSi hoped and witness makes no connection to Hodell • Also there is a danger of confusion and unfair prejudice and misleading the jury (Rule 403) as witness is not referring to the Hodell deal, and in any event, the witness should not be testifying as a supplemental juror

27:23-37:23	<ul style="list-style-type: none"> • Lack of foundation and lack of personal knowledge (Rule 602) as witness was not involved in the Hodell sales process (which he explains at pages 9-12; 96, 108, 239-40) • Also lack of relevance (Rule 402) as witness explains (notwithstanding Hodell's suggestions to the contrary) that he is talking about after the Hodell sale • Also there is a danger of confusion and unfair prejudice and misleading the jury (Rule 403) as witness is not referring to the time period prior to the Hodell deal, and in any event, the witness should not be testifying as a supplemental juror and providing his <i>personal opinion</i>
37:24-53:24	<ul style="list-style-type: none"> • Lack of personal knowledge and lack of foundation (Rule 602) as witness was not involved in sales process and admits that he had no technical role and was never involved with analyzing Hodell's needs during the sales cycle and much of this testimony (especially at pages 38-40) is about what the witness thinks someone else's words might mean • Also lack of relevance (Rule 403) as witness explains the "primetime" reference was a general reference to the evolution of all software (see pages 43-44) • Also there is a danger of confusion and unfair prejudice and misleading the jury (Rule 403) as witness is not referring to the Hodell deal, and in any event, the witness should not be testifying as a supplemental juror and providing his <i>personal opinion</i> • No objection to 46:25-53:24
56:16-25	<ul style="list-style-type: none"> • No objection
82:16-25	<ul style="list-style-type: none"> • No objection
83:21-22	<ul style="list-style-type: none"> • No objection
85:17-91:19	<ul style="list-style-type: none"> • No objection
97:1-98:21	<ul style="list-style-type: none"> • No objection

100:12-111:14	<ul style="list-style-type: none"> • No objection to 100:12-107:1 • SAP objects to 107:2-10; see above at 37:24-53:24 • No objection to 107:11-111:14
112:24-122:11	<ul style="list-style-type: none"> • No objection
122:12-125:24	<ul style="list-style-type: none"> • Improper hypothetical question; argumentative
126:3-128:16	<ul style="list-style-type: none"> • Lack of relevance (Rule 402); lack of personal knowledge (Rule 602); witness is testifying about something someone else wrote, and in any event, the witness does not recall
133:3-7	<ul style="list-style-type: none"> • No objection
133:13-137:3	<ul style="list-style-type: none"> • No objection
138:4-141:4	<ul style="list-style-type: none"> • Lack of relevance (Rule 402); lack of personal knowledge (Rule 602); witness is testifying about something someone else wrote
141:5-143:25	<ul style="list-style-type: none"> • No objection
145:19-146:3	<ul style="list-style-type: none"> • No objection
149:12-24	<ul style="list-style-type: none"> • No objection
151:7-154:7	<ul style="list-style-type: none"> • No objection to 151:7-153:8 • SAP objects to 153:9-23; witness admits that he is not technically qualified to offer this opinion (see pages 6-9 where witness explains that he has 30 years of sales experience but only two years of experience as an MIS director in the early 1990's and page 10 where witness explains that he had no technical role on the Hodell project) • No objection to 153:24-154:7

154:11-166:21	<ul style="list-style-type: none"> • No objection to 154:11-156:7 • SAP objects to 156:8- 158:10; lack of foundation and personal knowledge (Rule 603); witness is testifying about what someone else might mean in a writing addressed to yet a third person; witness is also making assumptions and is admittedly guessing • No objection to 158:11-166:21
171:16-173:16	<ul style="list-style-type: none"> • SAP objects to 171:16-173:8; lack of foundation and lack of personal knowledge (Rule 602) • No objection to 173:9-16
180:22-182:6	<ul style="list-style-type: none"> • No objection to 180:22-181:20 • SAP objects to 181:21-182:6; argumentative and calls for witness' personal opinion; witness is also asked about what others may have done
190:13-195:19	<ul style="list-style-type: none"> • No objection
205:24-206:2	<ul style="list-style-type: none"> • No objection
206:25	<ul style="list-style-type: none"> • No objection
207:11-20	<ul style="list-style-type: none"> • No objection
218:5-223:16	<ul style="list-style-type: none"> • No objection
223:21-228:19	<ul style="list-style-type: none"> • No objection
234:15-235:13	<ul style="list-style-type: none"> • No objection
239:25-240:8	<ul style="list-style-type: none"> • No objection
254:13-256:12	<ul style="list-style-type: none"> • No objection